

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

LUKE LEFEVER,

Plaintiff,

V.

STATE OF NEBRASKA, et al.,

Defendants.

CASE NO. 8:24-CV-377

EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTIONOFFICE OF THE CLERK
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2024 OCT 18 AM 10:48
FILED
AM

The plaintiff, Luke LeFever pro se submits this EMERGENCY motion for temporary restraining order and preliminary injunction for the following reasons;

1. The plaintiff is being denied proper medical care by the discontinued medications for diagnosed chronic pain management, nerve pain management, muscle spasim management, routine amputation related preventative, nerve pain emergency sleep aid, and special medicated cream for skin graff areas all denied without cause or need.
2. All medications being denied were to provide relief from severe trauma pains and to provide the plaintiff with the ability to function on a daily basis because of his physical conditions he is 100% disabled requiring him to live in Skilled Nursing Facility.
3. All of the plaintiffs conditions and treatment plans was diagnosed by a pain specialist doctor as Chronic Regional Pain Syndrome "CRPS" and has been the appropriate medical care according to NDCS for 5 years 8 months the entire plaintiffs incarceration.
4. Defendants are NOT "Pain Specialist" qualified trained and the deprivations of medications for someone in the plaintiffs conditions goes Against Medical Advice "AMA" denying him proper medical care as Constitution requires be provided.
5. The plaintiff is suffering non-stop irreparable harm constantly in debilitating chronic physical and nerve pain torture as Cruel and Unusual Punishment for exercising his Constitutionally protected rights to grievances and lawsuits.
6. The plaintiffs condition will only deteriorate as a result of denied medical care.
7. The plaintiff bears the entire hardships as intended, while defendants bear none.
8. The plaintiff will succeed on the merits of this case, all case law supports this.
9. The plaintiffs declaration in support of this motion adequately establishes the elements that warrant temporary restraining order and injunctive relief.
10. It is always in the public's interest to follow the Constitution and Laws to provide proper medical care, as illustrated in attached memorandum of law.

WHEREFORE, the plaintiff asks this court to grant motion in it's entirety.

RECEIVED

OCT 18 2024

CLERK
U.S. DISTRICT COURT

Respectfully Submitted,

-1- Luke LeFever #89914

Luke LeFever

10-14-2024

(Date)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

LUKE LEFEVER,

Plaintiff,

V.

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DECLARATION IN SUPPORT OF TRO
AND PLIMINARY INJUNCTION

LUKE LEFEVER states:

1. I am the plaintiff in this case. I make this declaration in support of my motion for an emergency temporary restraining order and preliminary injunction to ensure that I receive neccessary medications as proper medical care.

2. On July 26, 2024 defendant Lovelace made a personal appearance (only time) on a friday night at 5:30p.m., NDCS RTC lockdown is at 5:45p.m., to discontinue Morphine Rx that have been taking since October of 2021 for severe debilitating chronic pain as a proper medical care treatment for specialist diagnosed Chronic Regional Pain Syndrome "CRPS" a real medical condition done without cause or need.

3. On July 27, 2024 I was told that in fact Lovelace discontinued Asprin, Minerin Cream, Cyclobenzapine, Amytriptaline, and reduced Gabapentine by 2/3 to an ineffective dose. All of which Lovelace said nothing about during his visit.

4. The Morphine Rx is for my left hand that suffered severe frostbite causing all finger and partial hand amputation which due to trauma caused the "CRPS" which consists of every heartbeat being the same as being hit with a hammer. Before Morphine Rx was taking Hydrocodone 3x a day and was forced by NDCS onto the Morphine Rx to better treat medical conditions.

5. The Cyclobenzapine Rx was for the severe debilitating muscle spasims and cramps that literally cause falls to the ground when they set in every hour of every day I get attacks causing severe pain.

6. The Amytriptaline was for when nerve pain became so severe that I could not sleep I could take as needed (4-6 times per year) which allowed to sleep in the worst of the times.

7. The Gabapentine Rx was for the severe nerve pain associated with the severe frost-bite trauma to hands and left ankle and right leg amputation above knee. Received 1200mg 3x a day to stop the burning, needle pricks, and electric shocks from nerve endings that go nowhere anymore, and the frostbite is the say as fire burns trauma best illustrated by the facts that I was in St. Elizabeth's Burn Center in Lincoln when happened. Now is reduced to 400mg 3x a day severely inadequate for conditions.

8. The Minerne Cream is a special lotion to treat and prevent more damage to my reconstructed left ankle that had multiple surgeries, skin grafts, and required a wound vac medical device for 6+ months. Wearing a sock tears the skin graft area without cream and is for the end of big toe that had to have frostbite shaved off and severe skin problems without cream.

9. The Asprin is 1x day as preventative specifically because of all of my amputations to prevent blood clots, strokes, or anyurisims. This directive to take Asprin for the rest of my life was given to me by the doctors who amputated my leg before I was ever incarcerated to prevent death.

10. The denial of these medications are contrary to NDCS's own pain specialist orders from Dr. Jeffrey Kasselman MD who spent years troubleshooting medications to properly treat all of my medical conditions that are known to defendants. Dr. Kasselman MD in recent times stopped working for NDCS.

11. Defendant Lovelace is NOT a specialist in pain management and I have NOT been taken to any specialist to have orders changed which violates Constitutional Medical Care 8th Amendment. Lovelace is a general practitioner of medicine wholy unqualified to treat or diagnos my conditions.

12. I have put in many "Health Services Request Form" per NDCS to be seen by doctors regarding how discontinued medications are affecting me but have NOT been seen for pain management. Lovelace himself was here at RTC and I asked if he would see me but he did refuse and locked himself into the nurses station. Dr. Damey said he would check on my pain meds situation but after 30 days I asked him if he had and his response was that Lovelace told him he could NOT do anything, that it was up to Lovelace, the same defendant who refuses to see me after discontinuing medications.

13. Lovelace ordered Dulaxitine Rx which is an anti-depressant, that made conditions of nerve pain so bad that I could NOT get out of bed for 24 hours. Im already taking Gabapentine for nerve pain and it was working until Lovelace reduced 2/3 only to put on Dulaxitine and call it a nerve pain medication, can NOT take this medication.

14. I filed grievances contesting unconstitutional deprivation of medication only to have both Taggart Boyd and Rob Jeffreys do nothing to intervene in the Cruel and Unusual Punishment by NDCS and State of Nebraska out of retaliation for grievances and lawsuits both Constitutionally protected conduct.

15. On 4-20-2024 I received a Misconduct Report for having Morphine Rx in my Urine Analysis testing that was supposed to be there. I had to file grievances to get the "drug or intixicant abuse" MR dismissed (though still on institutional record) and Rob Jeffreys office signed the Step Two on 7-23-24 then on 7-26-24 Lovelace shows up to take away

Morphine which grievance was over. Lovelace and Jeffreys offices are in the same small central office building and was done to retaliate against me.

16. The constant severe pain is cause irreparable and unnecessary harm causing me to lose activities of daily life. I can NOT exercise, hold onto anything, typing/writing is very painful, and im reduced to having to be in bed convulsing in pain. My condition will NOT get better only worse further disabling my 100% disabilities.

17. The medical treatments I was receiving before Lovelace discontinued medications had been in effect for 5 years 8 months, my entire incarceration which NDCS found to be appropriate all that time. Now being denied without actual cause or need.

18. Together the defendants have conspired together to deny appropriate medical care and constitute cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution.

19. For the reasons set forth in the memorandum of law filed with this motion, the plaintiff is entitled to an emergency temporary restraining order requiring defendants to restore medication treatments prescribed by specialist until they decide its acceptable or arrange for a specialist to see plaintiff, and to an emergency preliminary injunction to enforce treatment plans accordingly.

20. For the foregoing reasons, this court should grant the plaintiffs motion in its entirety.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,


Luke LeFever #89914 10-14-2024
(Date)

